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10/599,363

07/23/2008

Hedi Slimane

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SUITE 2350  
CHICAGO, IL 60606

EXAMINER

BARNETT, DEVIN K

ART UNIT

PAPER NUMBER

3637

NOTIFICATION DATE

DELIVERY MODE

05/13/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kdas@MILLERMATTHIASHULL.COM

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/599,363 | <b>Applicant(s)</b><br>SLIMANE, HEDI |  |
|                              | <b>Examiner</b><br>DEVIN BARNETT     | <b>Art Unit</b><br>3637              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/10/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

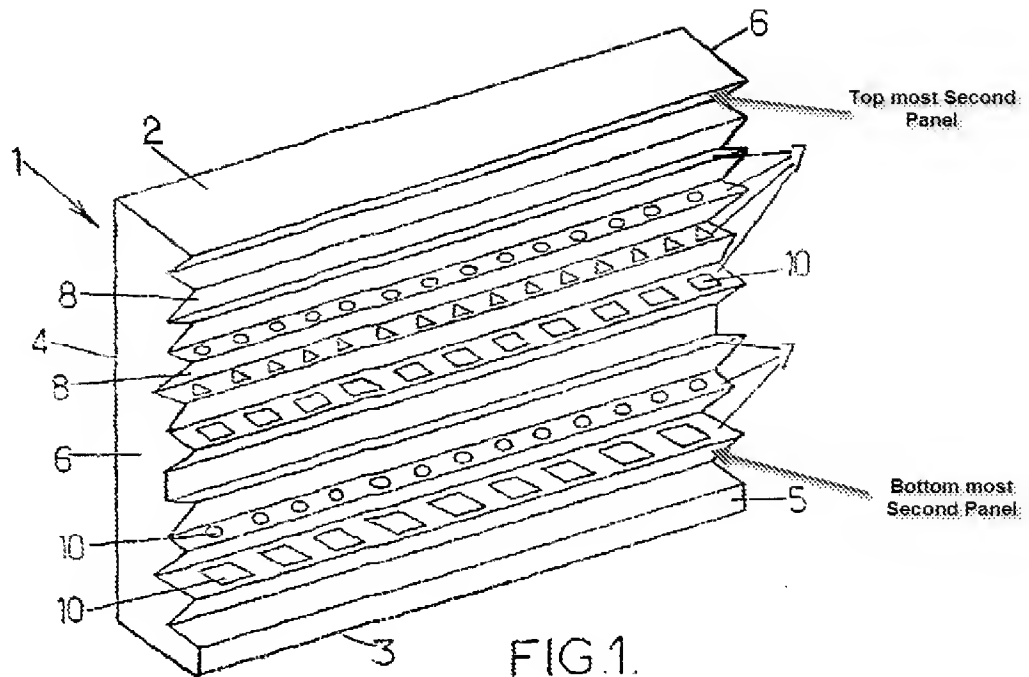
The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear how “each second panel is interposed between two first panels”. The drawing below shows that the top most second panel is not interposed between two first panels and the bottom most second panel is not interposed between two first panels. Therefore the examiner interprets the claim as follows “each first panel is interposed between two second panels and at least one second panel is interposed between two first panels...”



Regarding claim 3, it is unclear how “the first and second panels extend over the entire width of the front face of the board which is labeled as (Fig 1, #5). Therefore, the examiner interprets the claim as follows: “the first and second panels extend over the entire width of the stand”.

### ***Claim Rejections - 35 USC § 103***

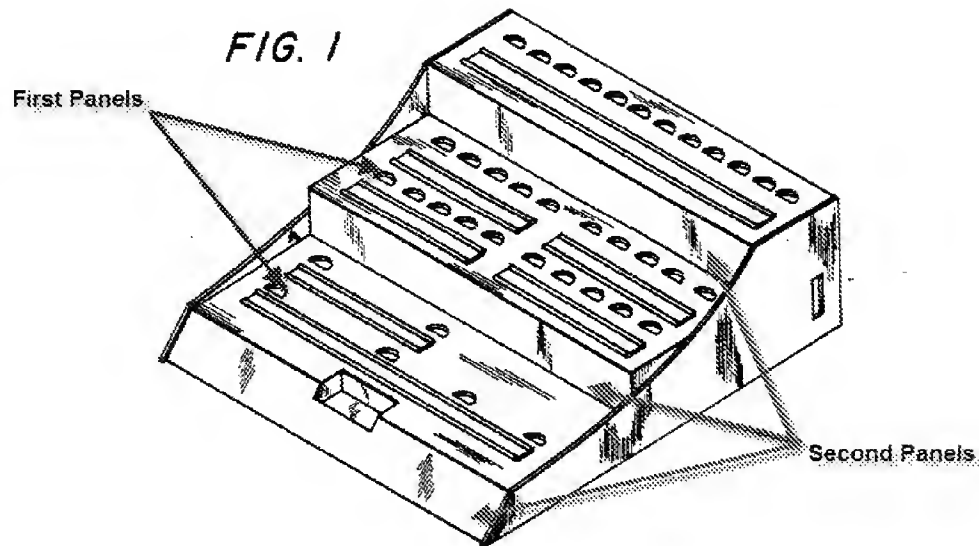
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richman D250,441 in view of Einbinder 2,109,586.

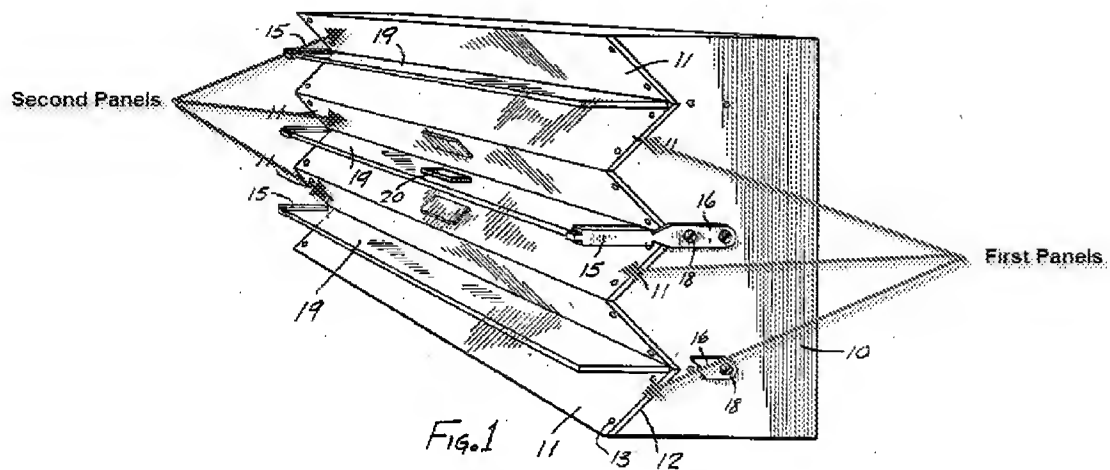
Regarding claim 1, Richman discloses a display stand for articles such as cosmetic products, comprising: a vertical board that has a rear face and a front face formed at least partially by a plurality of first panels (annotated Fig 1 below) and a plurality of second panels (annotated Fig 1 below); the first and second panels being produced as a single piece together with the board; wherein each first panel is interposed between two second panels and at least one second panel is interposed between two first panels (as shown below); wherein the first panels are designed to accommodate said articles.



Richman does not explicitly teach a display stand wherein the second panels are inclined relative to the first panels; wherein the first and second panels define a relief substantially in the form of a crest, and at least one of the second panels arranged opposite one of the first panels has a reflective surface such that a person facing the board can either directly observe said articles or can observe the image of said articles reflected in the first panel placed opposite indirectly on said abovementioned second panel.

However, Einbinder discloses a display stand wherein the second panels (annotated Fig 1 below) are inclined relative to the first panels (annotated Fig 1 below); wherein each first panel is interposed between two second panels and at least one second panel is interposed between two first panels, thereby defining a relief substantially in the form of a crest, and at least one of the second panels arranged opposite one of the first panels has a reflective surface such that a person facing the board can either directly observe said articles or can observe the image of said articles reflected in the first panel placed opposite indirectly on said above mentioned second panel.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the first and second panels disclosed in Richman to be inclined as taught by Einbinder, because such a modification would have involved a mere change in the shape of a component. A change in size and shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955). Further, it would be obvious to add a reflective surface to the second panels disclosed in Richman as taught by Einbinder, in order to make the device more aesthetically appealing for marketing purposes.



Regarding claim 2, Einbinder discloses a display stand wherein the second panels each have a reflective surface (pg 1, col 2, lines 41-42).

Regarding claim 3, Richman discloses a display stand wherein the first and second panels extend over the entire width of the stand (as shown in Fig 1).

Regarding claim 4, Richman discloses a display stand wherein each reflective surface is formed by a flat mirror attached directly to the corresponding second panel (as shown in Fig 1).



Regarding claim 5, Richman discloses a display stand wherein each first panel comprises a plurality of recesses in which articles are designed to be arranged (as shown in Fig 1).

Regarding claim 7, Einbinder discloses a display stand wherein the first panel also has a reflective surface (pg 1, col 2, lines 41-42).

Regarding claim 8, Einbinder discloses a display stand wherein a board extends substantially vertically, the first panels being inclined downward and the second panels being inclined upward (as shown in Fig 1).

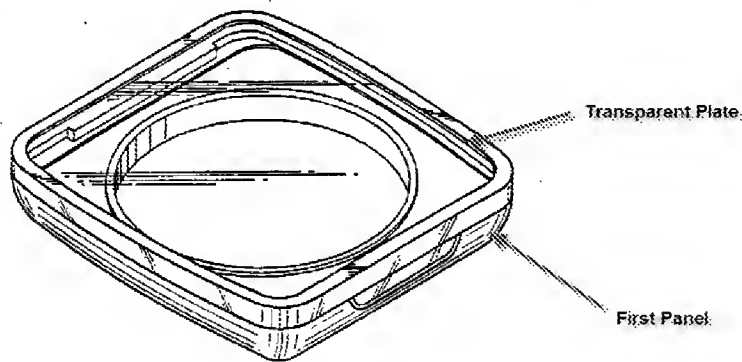
Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Richman D250,441 in view of Einbinder 2,109,586 and further in view of Bakic D302,745.

Regarding claim 6, the combination of Richman and Einbinder has been discussed above, but does not explicitly teach a display stand wherein a transparent plate is attached pivotably to each first panel to

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enable the articles arranged in the plurality of recesses to be covered.

However, Bakic discloses a cosmetic case wherein a transparent plate (annotated Fig 8) is attached pivotably to the first panel (annotated Fig 8) to enable the articles in the first panel to be covered. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach a hinged transparent plate to the first panels disclosed in the combination of Richman and Einbinder, in order to protect the articles that are being displayed on the stand.

**FIG. 8**

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEVIN BARNETT whose telephone number is (571)270-1159. The examiner can normally be reached on M-Th 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on (571)272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darnell M Jayne/  
Supervisory Patent Examiner, Art Unit  
3637

/DEVIN BARNETT/  
Examiner, Art Unit 3637